THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1896 OF 2006

Dated: 10-02-2006

Between

V. Prasad Raju, S/o. Subba Raju,

Occ: Business, R/o. Cherupally,

Kothapet, Mangapet Mandal,

Warangal and others.

...PETITIONERS

AND

The Government of A.P., rep. by

its Secretary, Prohibtion and

Excise Department, Hyderabad

and others.

...RESPONDENTS

ORDER:

Petitioners are non-tribals questioning the proceedings of the District Collector - third respondent, dated 21.01.2006 inviting applications from tribal people alone on or before 31.01.2006 for the purpose of scrutinizing and the selected Tribals shall be submitted to the third respondent, who only accorded permission for sanction of 22 event permits, in the premises of Medaram Jatara of Warangal District for a period of seven days.

This Court by order dated 31.01.2006 made the following order:

> "Prima facie, I do not see any restriction prohibiting the non-tribals from submitting the applications for the grant of licence under the Andhra Pradesh Excise (Grant of Licence of Selling By In-House and Conditions of Licence) Rules, 2005, in respect of the Medaram Jatara.
>
> While posting the matter to 03-02-2006, the respondents 3 and 4 are directed to receive the applications from the petitioners and others for grant of licences, if any, submitted by 01-02-2006 in accordance with law."

Learned counsel for the petitioners submits that, in fact, there is no specific prohibition restricting non-tribals to obtain licences under the Andhra Pradesh (Grant of licence for Selling in house and conditions of Licence) Rules, 2005 (for short 'the Rules').

Rule 5 of the Rules deals with the filing of the applications and the procedure for grant of licences. Rule 7 of the Rules deals with restriction of grant of licences. But under the Rules no vested right has been created in favour of the tribals alone for obtaining licences even though the shops are situated in the tribal area. In fact, the licences were granted under the Andhra Pradesh Excise (lease of right of selling by shops and conditions of licences) Rules, 2005 in favour of the non-tribals also in the tribal areas. Therefore, I am of the opinion that there is no justification for the grant of licences for the tribals alone under the Rules.

Having regard to the facts and circumstances of the case,
the respondents are directed to consider all the applications filed by the tribals as well as the petitioners and dispose of the same in accordance with the rules.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 10, 2006

Note: Furnish C.C. of the order by 13.02.2006

(**B/O**)

DSK